

House Bill 165

By: Representatives Scott of the 2nd and Graves of the 12th

A BILL TO BE ENTITLED

AN ACT

To amend Code Section 48-8-49 of the Official Code of Georgia Annotated, relating to dealers' sales and use tax returns, so as to change certain provisions regarding estimated tax liability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 48-8-49 of the Official Code of Georgia Annotated, relating to dealers' sales and use tax returns, is amended by revising subsection (b) as follows:

"(b)(1) As used in this subsection, the term 'estimated tax liability' means a dealer's tax liability, adjusted to account for any subsequent change in the state sales and use tax rate, based on the dealer's average monthly payments for the last fiscal year.

~~(2) If the estimated tax liability of a dealer for any taxable period exceeds \$5,000.00, the~~
A dealer shall not be required to file a return and remit to the commissioner ~~not less than~~
~~50 percent of the~~ any estimated tax liability ~~for the taxable period on or before the~~
~~twentieth day of the period. The amount of the payment of the estimated tax liability shall~~
~~be credited against the amount to be due on the return required under subsection (a) of this~~
~~Code section. This subsection shall not apply to any dealer unless during the previous~~
~~fiscal year the dealer's monthly payments exceeded \$5,000.00 per month for three~~
~~consecutive months or more nor shall this subsection apply to any dealer whose primary~~
~~business is the sale of motor fuels who is remitting prepaid state tax under paragraph (2)~~
~~of subsection (b) of Code Section 48-9-14. No local sales taxes shall be included in~~
~~determining any estimated tax liability."~~

SECTION 2.

All laws and parts of laws in conflict with this Act are repealed.